

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

WALDMAN & KAPLAN, P.A.

By: Laura J. Neville, Esquire

174 Nassau Street, Suite 313

Princeton, NJ 08542

Telephone: 844-899-4162

Facsimile: 844-882-4703

**Attorneys for Movant: Wilmington Savings Fund
Society, FSB, D/B/A Christina Trust as Owner
Trustee of the Residential Credit Opportunities
Trust V**

In Re:

Sheila A Dizenzo

Debtor(s)

Case No.: 18-19439

Chapter: Chapter 13

Hearing Date 3/27/2019

Judge: Andrew B. Altenburg Jr.

**SECURED CREDITOR, WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A
CHRISTINA TRUST AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT
OPPORTUNITIES TRUST V'S OBJECTION TO PLAN**

COMES NOW, SECURED CREDITOR, Wilmington Savings Fund Society, FSB, D/B/A Christina Trust as Owner Trustee of the Residential Credit Opportunities Trust V (herein after referred to as "Secured Creditor"), by and through its undersigned counsel, and hereby files this Objection to the Modified Chapter 13 Plan – Before Confirmation [DE # 16] filed by the Debtor and States as grounds the following:

1. On or about July 8, 2018, Debtor filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code. [DE #1]
2. On or about July 8, 2018, Debtor filed its proposed Chapter 13 plan. [DE # 2].
3. On or about July 8, 2018, Debtor filed its proposed Modified Chapter 13 Plan – Before Confirmation. [DE # 16].
4. Secured Creditor claim is secured by a second mortgage encumbering the real property owned by Debtors located 3520 Coles Mill Rd, Franklinville NJ 08322 (hereinafter "The Property").
5. Secured Creditor is the owner and holder of the note and mortgage and has the right to

enforce the note and mortgage.

6. Secured Creditor has timely filed a Proof of Claim (Claim 6-1) indicating the arrears and regular monthly payment.
7. Furthermore, the current monthly payment is \$750.20 of which the Plan pays \$750.00, creating a monthly deficit of \$0.20. The estimated pre-petition arrears are \$12,729.53 which the Plan proposes to pay \$8,421.00 over the course of 60 months leaving a deficiency in the amount of \$4,308.53. A Plan which does not pay all of the pre-petition arrears in full does not result in a discharge and entitles Secured Creditor to seek its rights under the Mortgage under (*In re Euliano*, 442 BR 177 [Bankr D Mass 2010].)
8. Secured Creditor is entitled to attorneys' fees pursuant to 11 U.S.C. §1322(e). Said fees should be added to the balance of the Note and Mortgage pursuant to the terms of the loan documents, but not added to the Debtors' personal obligation once a discharge is received.

WHEREFORE, PREMISES CONSIDERED, Secured Creditor prays that the Debtors' Chapter 13 Plan be amended to include the correct arrearage and regular monthly payment to Secured Creditor or grant Secured Creditor in rem relief from stay together with fees as set forth in paragraph 10 above, and for any other relief this Honorable Court deems Secured Creditor is entitled.

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic and/or Regular U.S. Mail to the parties listed on the attached certificate of service, on March 6, 2019.

I HEREBY CERTIFY that I am admitted to the Bar of the United States Bankruptcy Court for the District of New Jersey, and I am in compliance with the additional qualifications to practice in this Court set forth in the Local Rules.

Waldman & Kaplan, P.A
174 Nassau Street, Suite 313
Princeton, NJ 08542
Telephone: 844-899-4162
Facsimile: 844-882-4703
Email: laura@dwaldmanlaw.com
Attorneys for Secured Creditor

By: /s/ Laura J. Neville
Laura J. Neville, Esq.
Attorney ID # 01542-2006